

**UNITED STATES BANKRUPTCY COURT OF APPEALS
SOUTHERN DISTRICT OF NEW YORK**

In Re:

**Neelam T. Uppal,
Debtor.**

**Case No.: 17- 01027-cgm
Chapter: 13**

v.

**Healthlaw firm,
George Indest, et al**



AFFIDAVIT SUPPLEMENT

COMES NOW, Neelam Uppal, of full age, hereby, files supplemental exhibits and Memorandum of law

ADDENDUM TO MEMORANDUM OF LAW

1. Pro se status has to be taken into account in imposing sanctions,

Vukadinovich, 901 F.2d at 1445

2. This ADVERSARY filed by the Debtor, seeking the imposition of sanctions against George F. Indest, Healthlaw firm et al based upon the proof of claim filed by Mr. Indest. The Debtor avers that Mr. Indest filed his proof of claim for an improper purpose, while knowing that there was no basis for the claim that could be supported by evidence.

And, further, he continued collection activities by filing motions to the court that stay was not in effect for the 30 days, thus violating the Automatic Stay.

The debtor's papers that were filed, were not scanned onto the docket, (see **Exhibit (A & B)**). Such that your honor was successfully deceived and misled by the creditor, Mr. Indest.

2. However, the court will not impose sanctions simply because a litigant was not successful in his litigation. See *Knowles Bldg. Co. v. Zinni (In re Zinni)*, 261 B.R. 196, 203 (B.A.P. 6th Cir. 2001). Good faith omissions and mistakes or reliance on a reasonable but erroneous interpretation of the law will not usually be a basis for invoking Rule 9011." *In re Ligon*, 50 B.R. 127, 133 (Bankr. M.D. Tenn. 1985).

The first question before the court is whether there was evidentiary support for Mr. Indest's claim, or in other words, whether Mr. Indest held a reasonable belief in the veracity of the [proof of claim]" on the date that he signed and filed it. *Primary Health Servs., Inc.*, 227 B.R. at 486. Additionally, the court must examine whether Mr. Indest filed his proof of claim with an improper purpose. In determining whether a petition was filed for an

improper purpose, the bankruptcy court must ask whether the [party's] conduct was reasonable under the circumstances." *In re Pannell*, 253 B.R. 216, 219 (S.D. Ohio 2000).

3. Perjury: 18 U.S.C. 1621

Whoever—

(1)

having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2)

in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;
is guilty of perjury

4. Right to a fair trial. Various rights associated with a fair trial are explicitly proclaimed in Article 10 of the Universal Declaration of Human Rights.

5. Violation of 8th amendment of the constitutional rights by imposing excessive fines and cruel and unusual punishment.
6. Violation of 14th amendment of the constitutional rights. The **Fourteenth Amendment**, ratified in 1868, provides that every individual who is born or naturalized in the United States is a citizen and ensures that a state may not deprive a citizen or resident of his or her civil rights, including Due Process of Law and Equal Protection of the laws

cc : uppal

NEELAM UPPAL, M.D.
1370, Broadway, #504
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646-740-9141

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served to

Regular U.S. Mail and email on 17 day of August, 2017 to:

N. Uppal
NEELAM UPPAL, M.D.
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